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VIOLATIONS OF HUMAN RIGHTS BY THE RUSSIAN FEDERATION DURING FULL-SCALE ARMED AGGRESSION AGAINST UKRAINE

Abstract. The full-scale military aggression of the Russian Federation against Ukraine has resulted in massive human rights violations, war crimes and crimes against humanity. In the conditions of Ukrainian law enforcement agencies, human rights organizations document war crimes committed by Russian soldiers, and the Ukrainian authorities sue the Russian Federation and its leadership in international courts. In the national legislation, the Criminal Code of Ukraine provides for criminal liability for committing certain types of war crimes and crimes against humanity.

For the empirical substantiation of violations of IHL norms by Russia in relation to Ukraine, the method of cabinet research was used, which consisted in the collection, study, systematization and analysis of secondary sources of information on the violation of human rights by Russia. The study was conducted from the moment of the beginning of the full-scale armed aggression until December, 2022, the object was the statements of the Ukrainian authorities and their individual representatives regarding Russia's violations of the rules and laws of warfare; conversations between the Russian occupiers intercepted by the Security Service of Ukraine; Report of the Office of the High Commissioner for Human Rights; weekly reports of the International Organization for Migration; platforms "Children of War", Warcimes.gov.ua, russiancrime, reports of human rights organizations, materials of Ukrinform periodicals etc.

Keywords: *international humanitarian law, war crimes, crimes against humanity, full-scale military aggression, international armed conflict, human rights, human rights violations.*

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Introduction. The Russian Federation's full-scale attack on Ukraine led to serious and massive violations of international human rights law and international humanitarian law, which led to catastrophic consequences for the citizens of Ukraine. Their right to life is massively violated, Ukrainians lose their health, property, suffer terrible treatment, etc. In such conditions, effective legal mechanisms for the protection of human rights are absolutely necessary. Ukrainian law enforcement agencies, international and national human rights organizations are documenting war crimes committed by Russian soldiers during the ongoing armed conflict, and Ukrainian authorities are suing the Russian Federation and its leadership in international courts, appealing to international humanitarian law and international human rights law. Therefore, the purpose of the article is to review the international regulatory and legal mechanisms that ensure human rights in conditions of armed conflict and provide empirical arguments for their violation by the Russian Federation as an aggressor state in relation to Ukrainian citizens in the period from February 24, 2022 to December 30, 2022.

Analysis of recent research and publications. *Theoretical foundations: normative regulation of human rights observance in international armed conflict.* It is well known that international humanitarian law (IHL) is a system of internationally recognized legal norms and principles that apply during armed conflicts, establish the rights and obligations of subjects of international law to prohibit or restrict the use of certain means and methods of armed struggle, ensure the protection of victims of conflict and determine liability for violations of these norms (Order of the Ministry of Defense of Ukraine No. 164 of 23.03.2017). The main tasks of IHL are to protect civilians and those who have ceased to participate in armed hostilities (wounded and imprisoned persons); to regulate the means and methods of warfare. Modern IHL was created on the basis of three main areas: "Geneva Law, The Hague Law, and UN efforts to ensure the observance of human rights during armed conflicts. Objects protected by IHL and prohibited from attack include certain medical units; sanitary transport vehicles; civilian objects; cultural property; installations and facilities containing dangerous forces; objects essential to the survival of the civilian population; civil defense objects; non-defended areas; demilitarized zones; sanitary and safe zones and areas; neutralized zones; hospital zones and areas; and the natural environment. The categories of persons protected by IHL include persons not taking an active part in hostilities, including members of the armed forces who have laid down their arms, who ceased to be combatants due to illness, injury, detention, etc.; the wounded and sick, as well as people with disabilities; prisoners of war; women and children.

There are discussions in academic circles about the correlation and priority of international humanitarian law and international human rights law (IHRL). We can note that IHL does not supplant or replace IHRL; both are applicable during armed conflict. In its General Comment No. 36 (2018), the Human Rights Committee reiterated that IHRL and IHL complement each other. However, the norms and provisions of the latter take precedence in times of armed conflict as more special, more adapted to the conditions of war. IHL protects the same human rights as HRBA, but in the context of armed conflict, IHL is more effective and has a preventive nature.

The attack of the Russian Federation has led to serious and widespread

violations of IHL and IHRL, the spread of war crimes and crimes against humanity, which has resulted in catastrophic consequences for the enjoyment of virtually all human rights by the people of Ukraine. In order to investigate the most serious crimes of this kind, the International Criminal Court (ICC) was established in 1998, which operates on a permanent basis and investigates and prosecutes persons accused of genocide, war crimes and crimes against humanity. The ICC's activities are based on the Rome Statute, which in Articles 7 and 8 provides an understanding of the concepts of "war crimes" and "crimes against humanity". Thus, war crimes are considered to be serious violations of IHL, for which individuals are criminally liable at the national and international levels. Article 8 "War Crimes" defines a broad list of them (Rome Statute of the International Criminal Court). Crimes against humanity are defined in the Rome Statute as crimes that have a seriously destructive effect on the human person, humiliate or degrade the condition of one person or group of persons. They are among the most serious crimes of concern to the international community as a whole, entail the responsibility of individual perpetrators and require the cessation of behavior that is unacceptable under generally accepted rules of international law recognized by the major legal systems of the world (Elements of Crimes. Published by the International Criminal Court). Article 7 provides an extensive list of them. The Criminal Code of Ukraine (CC of Ukraine), Chapter XX Criminal Offenses against Peace, Security of Mankind and International Law and Order, provides for criminal liability for certain types of war crimes and crimes against humanity, in particular for violation of the laws and customs of war (Article 438 of the CC of Ukraine); planning, preparation or unleashing and waging of aggressive war (Article 437 of the CC of Ukraine); propaganda of war (Article 436 of the CC of Ukraine); genocide (Article 442 of the CC of Ukraine), etc. Ukraine signed the Rome Statute back on January 20, 2000, but has not yet ratified it, although it had a direct international obligation to do so after the Association Agreement with the EU in 2014. However, Article 124 of the Constitution of Ukraine explicitly states that Ukraine may recognize the jurisdiction of the International Criminal Court under the conditions set out in the Rome Statute of the ICC. In addition, the Criminal Procedure Code was supplemented by Section IX-2 "Peculiarities of Cooperation with the International Criminal Court" (Berezniak V.S. On the Peculiarities of the Jurisdiction of the International Criminal Court, 2022). In March 2022, 39 states parties to the ICC filed an appeal to the ICC Prosecutor regarding the situation in Ukraine, which resulted in a decision to open an investigation into the situation in Ukraine from November 21, 2013 to the present. The ICC is competent to prosecute persons responsible for war crimes, genocide and crimes against humanity. On March 17, 2023, ICC judges issued an arrest warrant for russian president Putin and russian Children's Ombudsman Lvova-Belova, who are suspected of deporting children from the occupied territories of Ukraine to russia. Other international actors to which the state of Ukraine appeals regarding russia's violation of IHL are the International Court of Justice (ICJ) and the European Court of Human Rights (ECtHR). On February 26, 2022, Ukraine filed a lawsuit with the ICJ regarding russia's violation of the Convention on the Prevention and Punishment of the Crime of Genocide and a request for interim measures. In the case of Ukraine v. russia, Ukraine states that russia's claim that it invaded Ukraine to prevent genocide is not true. In a special Statement, the

Ministry of Foreign Affairs of Ukraine explained that Russia has distorted the very concept of genocide and its most serious treaty obligations to justify its invasion of Ukraine and its own gross human rights violations. The top military and political leadership of the Russian Federation has publicly attempted to justify its own aggression against Ukraine as a means of preventing and punishing the genocide that is allegedly taking place in our country. This brazen manipulation has no real basis, as the whole world knows. Ukraine strongly denies Russia's allegations of genocide and rejects any attempts to use such manipulative claims as an alleged pretext for unlawful aggression (Statement of the Ministry of Foreign Affairs of Ukraine on Russia's false and insulting accusations of genocide as a pretext for its unlawful military aggression). On March 16, 2022, the ICJ ruled on the request submitted by Ukraine to determine provisional measures in the case of genocide charges under the Convention on the Prevention and Punishment of the Crime of Genocide (*Ukraine v. Russian Federation*), in particular to stop Russian military actions on the territory of Ukraine (Questions and Answers: Order of the International Court of Justice on provisional measures in the case of *Ukraine v. Russian Federation*). In other words, in March 2022, it was only about provisional measures as urgent, not about jurisdiction or the merits of the case. On July 1, 2022, Kyiv submitted a memorandum to the ICJ under the Convention on the Prevention and Punishment of the Crime of Genocide, in which Ukraine demands "accountability and full reparation for the damage caused by Russia's gross violations of international law". In July, 2022, the European Commission published a statement on its website supporting Ukraine's efforts to bring a case against Russia in the ICJ under the Convention on the Prevention of Genocide. On August 18, the European Union submitted information to the Court in the case of *Ukraine v. Russia* regarding allegations of genocide, as according to the Statute and Rules of Court, a public international organization may, on its own initiative, provide the Court with relevant information on cases it is considering (Information furnished by the European Union under Article 34, paragraph 2, of the Statute of the Court and Article 69, paragraph 2, of the Rules of Court). In the last months of 2022, 26 influential countries joined Ukraine's case against Russia.

Ukraine has also used another legal mechanism – an appeal to the European Court of Human Rights (ECHR). A press release of June 28, 2022 states that the ECHR has received a completed application form in the interstate case *Ukraine v. Russia* (X) (application no. 11055/22), which consists of the Ukrainian government accusing the Russian Federation of massive and gross human rights violations by Russians in their military actions on the territory of Ukraine, in particular, in violation of the European Convention on Human Rights under Articles 2, 3, 4, 8, 9, 10, 11, 13 and 14 and in accordance with Article 1 of Protocol No. 1 (protection of property), Article 2 of Protocol No. 1 (right to education), Article 2 of Protocol No. 4 (freedom of movement) and Article 3 of Protocol No. 4 (prohibition of expulsion) of the Convention (Inter-State case *Ukraine v. Russia* (X): receipt of completed application form and notification to respondent State. Press Release).

Currently, there are a number of interstate applications filed by Ukraine against the Russian Federation for consideration by the Court. As of September 23, 2022, according to the ECtHR, twenty-three governments and one non-

governmental organization have applied for permission to intervene as a third party in the proceedings in *Ukraine v. russia (X)* (application no. 11055/22) (Multiple third-party intervention requests in inter-State proceedings *Ukraine v. russia (X)*). In 2022, the Government of Ukraine filed several additions to the inter-state application *Ukraine v. russia (X)*. As of February, 2023, 26 countries and 1 non-governmental organization had joined the case. Nevertheless, on September 16, 2022, russia withdrew from the European Convention for the Protection of Human Rights and Fundamental Freedoms, which was the result of russia's expulsion from the Council of Europe in March of the same year. The State Duma of the russian federation decided in June that russia would not comply with the ECHR's decisions. Therefore, the ECHR retains the competence to consider applications against the russian federation regarding its actions that occurred before September 16, 2022, the ECHR does not accept new applications against the russian federation, and the position of a judge from the russian federation has also been abolished. Thus, at present, the ECHR decisions are effective in terms of formalizing russia's war crimes against Ukraine.

Thus, modern international law consists of two separate parts of international norms, which contain the legal obligation of the state to observe human rights. The first is international human rights law (general field), the second is international humanitarian law (special field), which comes into effect during armed conflicts and is designed to protect war victims. There are inalienable, fundamental human rights that are stipulated by international human rights law and must be ensured under any conditions, including during armed conflict. Ukraine uses legal mechanisms to hold the russian federation accountable for violating the norms and customs of warfare.

Formulation of the main material. *Violations of IHL by the russian federation: Empirical Perspectives.* To empirically substantiate the violations of IHL by russia in relation to Ukraine, the method of desk research was used, which consisted of collecting, studying, systematizing and analyzing secondary sources of information on human rights violations by russia. This method allows us to obtain systematic and complete information on the topic. The research was conducted from the beginning of the full-scale armed aggression until the end of 2022, The research was based on statements by the Ukrainian government and its individual representatives regarding russia's violations of the rules and laws of war; conversations between russian occupiers intercepted by the SBU; the Report of the Office of the High Commissioner for Human Rights; weekly reports of the International Organization for Migration; the Children of War platform, Warcrimes.gov.ua (Office of the Prosecutor General), russiancrime (NGO "Opora"), reports of human rights organizations (Human Rights Watch); Ukrinform materials, periodicals, social networks, etc. Here are some of the results of the secondary analysis, which indicate systematic violations of IHL by russia.

Violation of the right to life. The fundamental human right to life is being violated in the context of war: for example, in just one day on February 24, 2022, 57 Ukrainians died and 169 were injured (the healthcare system is working steadily). According to the Ministry of Internal Affairs, since the beginning of the full-scale war, more than 7,000 civilians have been killed and 5,500 injured as a result of hostile shelling in Ukraine (data as of August 2022). The Report of the Office of the High Commissioner for Human Rights

(OHCHR) refers to violations of IHL and IHRL that occurred during the ongoing armed attack by the Russian Federation on Ukraine from February 24 to September 18, 2022 and is based on the work of the UN Human Rights Monitoring Mission in Ukraine. In particular, it is noted that during the reporting period, OHCHR recorded 14532 civilian casualties in the country: 5916 killed and 8616 injured. This included 5,916 killed (2,306 men, 1,582 women, 156 girls and 188 boys, as well as 35 children and 1,649 adults of unknown gender), and 8,616 injured (1,810 men, 1,327 women, 187 girls and 259 boys, as well as 217 children and 4,816 adults of unknown gender). OHCHR believes that the actual numbers are significantly higher, as information from some areas of intense fighting has been delayed and many reports are still awaiting confirmation (Ukraine: civilian casualty update 19, September, 2022. Office of the High Commissioner for Human Rights (OHCHR). According to the UN, 8006 civilians were killed and 13287 civilians were injured during the year of war (Civilian casualties in Ukraine from February 24, 2022 to February 15, 2023). As of 12/30/2022, the Children of War platform records 487 dead children and 954 wounded. 248 children are considered missing, 9441 (Children of War) have been deported. The exact number of affected children cannot be determined at this time due to active hostilities and the temporary occupation of part of the territory of Ukraine.

Intentionally directing attacks against the civilian population as a whole or against individual civilians not taking a direct part in the hostilities; intentionally carrying out an attack with the knowledge that such an attack will result in incidental loss of life or injury to civilians or damage to civilian objects (Rome Statute). In a report released in late June, the humanitarian organization Médecins Sans Frontières (MSF), which provides assistance to war wounded throughout Ukraine, concluded that the fighting was being conducted with outrageous disregard for the principle of distinguishing and protecting civilians. Civilians have been shot at during evacuation or attacked while trying to leave the war zone; indiscriminate bombing and shelling has killed and maimed people living and hiding in residential areas; the elderly have been subjected to ill-treatment, attacks, and their particularly vulnerable status has been completely ignored by the attacking forces (no mercy for civilians. Troubling accounts from the MSF medical train in Ukraine).

Attacking or shelling of unprotected and non-military objectives, towns, villages, dwellings or buildings by any means. According to KSE economists, at least 15.3 thousand high-rise buildings, 115.9 thousand private houses, 1991 shops, 593 pharmacies, 188.1 thousand private cars, 9.5 thousand buses, 492 trams and trolleybuses, and 511 administrative buildings were damaged, destroyed, or seized. As of the end of December, 2022, the total amount of direct damage to infrastructure reached \$143.8 billion, 150 thousand residential buildings were damaged (the total amount of direct damage to infrastructure increased to \$114.5 billion. Kyiv School of Economics). The International Organization for Migration (IOM) publishes weekly reports on the situation in Ukraine. For example, the report for the end of September 2022 states that rocket attacks on the Kharkiv thermal power plant and Zaporizhzhia nuclear power plant (ZNPP) caused massive water and power outages in several regions. Concerns are growing about a potential international nuclear disaster. The International Atomic Energy Agency (IAEA) has called for the establishment of

a security zone around ZNPP (Regional Ukraine crisis response situation report September 28, 2022. The International Organization for Migration (IOM).

Violations of the prohibition of rape, sexual slavery, forced prostitution or any form of sexual violence. The OHCHR Report notes an increasing number of allegations of conflict-related sexual violence, although it remains difficult to properly assess the extent of violations as survivors are often unwilling or unable to be interviewed. Many referral pathways do not work, and law enforcement agencies have limited capacity to address such cases, which have occurred in different regions of Ukraine, including Kyiv. In Chernihiv region, women and girls make up the majority of victims of rape, including gang rape (Situation of human rights in Ukraine in the context of the armed attack by the russian federation 24 February – 15 May, 2022).

Violations of the protection of civilians in time of war, in particular during occupation. The most important rule of the Fourth Geneva Convention, as well as of the entire IHL, is the protection of civilians, which is violated by the russian federation. The article on the prohibition of causing physical injury to persons under the power of the hostile party has been violated. In the occupied territories of Kherson and Zaporizhzhia regions, russian troops tortured civilians, illegally detained them, and committed acts of enforced disappearance against them. Human Rights Watch staff described 42 cases (as of August, 2022) in which russian occupation forces either committed acts of enforced disappearance against civilians or otherwise arbitrarily detained them, many of them tortured (Ukraine: Torture and Disappearances in the Occupied South). OHCHR documented and verified allegations of unlawful killings, including summary executions of civilians in more than 30 locations in Kyiv, Chernihiv, Kharkiv and Sumy regions, committed while these areas were under the control of russian armed forces in late February and March (Situation of human rights in Ukraine in the context of the armed attack by the russian federation 24 February – 15 May, 2022). In almost all major cities and towns where russian army units were based, they set up such places of detention for civilians and tortured them.

Forced displacement and filtering of Ukrainians. In the report "We had no choice: 'Filtration' and the Crime of Forced Displacement of Ukrainian Civilians to russia" Human Rights Watch documented the displacement of Ukrainian civilians by interviewing dozens of civilians from the Mariupol area. The total number of Ukrainian civilians transferred to russia remains unclear, and many have been displaced and transported in a manner and under conditions that make their transfer illegal and enforced. In mid-August, russian media reported that more than 3.4 million Ukrainians, including 555,000 children, had entered russia from Ukraine ("We had no choice": "Filtration" and the Crime of Forced Displacement of the Ukrainian Population to russia. Summary and recommendations in Ukrainian). Forced displacement is a war crime and a potential crime against humanity, and includes displacement in circumstances where a person agrees to move only because they fear consequences such as violence, pressure or detention if they stay, and the occupying power uses this coercive environment to move them.

Violation of the rights of prisoners of war, violation of human dignity, and humiliating and degrading treatment. The provisions of the Third Geneva Convention prohibit physical and psychological torture and inhuman treatment of prisoners, regardless of their past actions. The OHCHR report states that the

Mission has viewed numerous videos available on the Internet, which depict interrogations, intimidation, insults, humiliation, ill-treatment, torture and summary executions of prisoners of war (Situation of human rights in Ukraine). Russia denies UN human rights monitors access to places of detention. From an SBU audio interception of a conversation between Russian soldiers: "We caught two people. We started to stab them – no luck. We took one to the forest, the other one we interrogated. They shot, well, kind of killed him. He said what he said! Okay... They put his leg under the wheel, drove on – what the fuck did he say!" (Russians continue to grossly violate international rules for the treatment of prisoners of war (audio). Security Service of Ukraine). The Verkhovna Rada Commissioner for Human Rights, Dmytro Lubinets, addressing international organizations, wrote in a telegram channel about the released soldiers of the Azov regiment: "Ukrainian prisoners of war lost dozens of kilograms of weight while in Russian captivity, and the point here is not that they were poorly fed, but that they were tortured by starvation. The guards ate normal food in front of the starving prisoners, who survived for months on what could hardly be called food. The soldier described in detail what the Ukrainians were fed there – mixed fodder cooked without salt. Salt was forbidden. So that you didn't get minerals. Sugar was also banned" (Dmytro Lubynets. Telegram channel). According to the Rome Statute, intentional killing, torture or inhuman treatment can be qualified as crimes against humanity.

Violation of restrictions on methods and means of warfare. The Hague and other specialized conventions limit the methods and means of warfare. Since February, 2022, Russian troops have repeatedly used cluster munitions, which are inherently indiscriminate, in attacks across the country. Russia's use of cluster munitions, thermobaric "vacuum" bombs, and anti-personnel mines in Ukrainian cities is a violation of the Hague Conventions and customary international humanitarian law. The use of phosphorus munitions and incendiary bombs by the Russian military in Ukraine violates the Convention on Certain Conventional Weapons. The New York Times wrote in June, 2022 that Russian troops are playing out a strikingly barbaric and old-fashioned war strategy, and have struck Ukrainian cities and towns with a volley of rockets and other munitions, most of which can be considered relatively crude relics of the Cold War, and many of which have been widely banned under international treaties. The attacks repeatedly and widely used weapons that kill, maim and destroy indiscriminately, in violation of IHL. These strikes have resulted in the deaths and injuries of civilians, including children, and the destruction of critical infrastructure. The New York Times identified and classified more than 210 munitions prohibited by IHL, primarily cluster munitions, which could pose a serious danger to civilians for decades after the war ends (What Hundreds of Photos of Weapons Reveal About Russia's Brutal War Strategy. The New York Times).

Depriving Ukrainians of their homes. An estimated 15 million Ukrainians have fled their homes, fleeing the war to other regions of Ukraine or abroad. According to a recent study by the International Organization for Migration, as of July, more than 6.6 million people in Ukraine were internally displaced. This figure is 15 % of the total population of Ukraine. 90 % of them are women and children. Almost 3 million Ukrainians remain in the EU countries. According to the EU Supports Ukraine community, 8.6 million Ukrainians have crossed the

border with the EU from Ukraine and Moldova during the six months of full-scale war. 5.8 million Ukrainians have returned home. It is also noted that 4.1 million Ukrainian citizens have been granted temporary protection status in various EU member states, and more than 500,000 Ukrainian children have gone to European schools (EU supports Ukraine). According to the first data from IOM teams, over 600,000 people left Ukraine in the first five days after the outbreak of hostilities and escalation of fighting. The population movements have seriously affected the humanitarian and protection situation throughout the country and in neighboring countries, leading to numerous protection concerns, including trafficking, exploitation and violence, gender-based violence, lack of documentation, psychosocial stress and trauma, family separation, and the use of harmful coping mechanisms (IOM flash appeal for Ukraine and neighboring countries March – August, 2022).

Looting, seizure of civilian property, plundering of settlements or areas, which is another war crime committed by the Russian military. From a conversation intercepted by the SBU: "So, in short, it is not criminalized that we are looting. It is authorized. Putin has authorized it. He issued a decree that looting is allowed... Here we have a senior officer who went on a rampage..., looted TVs, washing machines, a grill for 250 thousand... everything! If we don't take it, others will" (Putin personally gave the occupiers permission to loot in Ukraine (audio). Security Service of Ukraine). The Security Service of Ukraine and the National Police have a lot of evidence that looting among the occupiers has become widespread.

Russia's crimes against the Ukrainian language and culture. The destruction of cultural heritage sites is a war crime under Article 56 of the Regulations Regarding the Laws and Customs of War on Land, which is an annex to the IV Convention relative to the Laws and Customs of War on Land of 1907, a special Convention for the Protection of Cultural Property in the Event of Armed Conflict with the 1954 Protocol. In addition to these, there are customary rules of international humanitarian law that also ensure the protection of cultural property during armed conflict.

On the online platform "Destroyed Cultural Heritage of Ukraine" created by the Ministry of Culture and Information Policy of Ukraine, as of April 1, 2023, the number of damaged and destroyed cultural heritage sites and cultural institutions of Ukraine recorded in the database was 553, including libraries, memorial monuments, museums, religious buildings, and historic buildings (Destroyed Cultural Heritage of Ukraine). Dozens of museums and private collections were looted.

As part of the struggle for symbolic space, Ukrainian books are being destroyed and Ukrainian-language education in the occupied territories is being banned. On October 13, 2022, in his report "Russian policy of linguistic violence in the occupied territories of Ukraine as a way to dismantle the constitutional order of Ukraine and an element of genocide of the Ukrainian people", Commissioner for the Protection of the State Language Taras Kremin noted the displacement of the Ukrainian language from all spheres of public life in the occupied territories. Between February 24 and October 1, 2022, more than 200 cases of linguistic violence against the Ukrainian language have already been recorded. Discrimination, persecution and repression against Ukrainian citizens on the basis of language is one of the components of Putin's policy of genocide

of the Ukrainian people (Commissioner presented a report on the Russian policy of linguistic genocide in the occupied territories of Ukraine). The manifestations of linguistic violence include the occupation administrations' use of only Russian to inform citizens; coercion to use Russian, prohibition of the use of Ukrainian in public communications; prohibition of media and Internet resources providing information in Ukrainian; displacement of Ukrainian as the language of education; prohibition of the use of Ukrainian at public events; destruction of literature and printed materials in Ukrainian, etc. Thus, the prohibition of deliberate attacks on buildings intended for religious, educational, artistic, scientific or charitable purposes, on historical monuments, hospitals and places of concentration of patients has been violated. There is a deliberate destruction of the Ukrainian language and art.

Thus, the Russian Federation violates all fundamental human rights and the rules of warfare, ignoring both IHL and international human rights law, which is reflected in public sources.

Conclusions. International law has developed mechanisms that protect the legitimate rights and interests of states and allow us to talk about its protective function, which is carried out by influential international actors. The ongoing full-scale war has resulted in a wide range of human rights violations against both civilians and combatants, including the rights to life, liberty and security of person. The very fact of Russia's invasion of Ukraine constitutes a crime of aggression under the ICC, as well as a violation of the UN Charter. The majority of reported civilian casualties were caused by the use of explosive weapons with a wide area of effect, including heavy artillery, multiple launch rocket systems, missiles and airstrikes. The actual numbers are much higher, as reporting from some areas of intense fighting has been delayed and many reports are still awaiting confirmation. Some human rights violations may also be war crimes. These may simply be different dimensions of the same phenomena. Where war crimes are involved, human rights are also involved, including the right to life, which is one of the fundamental rights guaranteed in a democratic society, the prohibition of torture and other ill-treatment, etc.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

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Василь БЕРЕЗНЯК, Алла ДЕМИЧЕВА, Рікардо Даніель ФУРФАРО
ПОРУШЕННЯ РОСІЙСЬКОЮ ФЕДЕРАЦІЄЮ ПРАВ ЛЮДИНИ
В УМОВАХ ПОВНОМАШТАБНОЇ ЗБРОЙНОЇ АГРЕСІЇ
ПРОТИ УКРАЇНИ

Анотація. Повномасштабна військова агресія російської федерації проти України призвела до масових порушень прав людини, воєнних злочинів та злочинів проти людяності. В умовах, що склалися, українські правоохоронні органи, правозахисні організації документують воєнні злочини, скоєні російськими військовослужбовцями, а українська влада подає позови проти російської федерації та її керівництва до міжнародних судів. У національному законодавстві Кримінальний кодекс України передбачає кримінальну відповідальність за вчинення окремих видів воєнних злочинів та злочинів проти людяності.

Для емпіричного обґрунтування порушень норм МГП росією щодо України було використано метод кабінетного дослідження, який полягав у зборі, вивченні, систематизації та аналізі вторинних джерел інформації про порушення прав людини з боку росії. Дослідження проводилося з моменту початку повномасштабної збройної агресії до грудня 2022 р. Об'єктом дослідження стали заяви української влади та її окремих представників щодо порушень росією правил і законів ведення війни; перехоплені Службою безпеки України розмови російських окупантів; доповідь Управління Верховного комісара ООН з прав людини; щотижневі звіти Міжнародної організації з міграції; платформи «Діти війни», Warcrimes.gov.ua, russiancrime, звіти правозахисних організацій, матеріали періодичних видань «Укрінформ» тощо.

Ключові слова: міжнародне гуманітарне право, воєнні злочини, злочини проти людяності, повномасштабна військова агресія, міжнародний збройний конфлікт, права людини, порушення прав людини.

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